

## ORDINANCE 206

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, PROVIDING FOR A CURBSIDE RECYCLING PROGRAM AND GOVERNING THE COLLECTION, STORAGE, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE IN THE TOWNSHIP OF DELAWARE, PIKE COUNTY, PENNSYLVANIA.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Delaware Township, Pike County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

### PART I - GENERAL

#### 1. SCOPE.

This Ordinance shall provide a recycling program and govern all aspects of the collection, storage, transportation, processing, and disposal of municipal solid waste in Delaware Township. It contains regulations applicable to haulers of municipal waste, collectors of recyclables, individuals, commercial, municipal, and institutional establishments, and community activities.

#### 2. PURPOSE.

An Ordinance to establish a program for the curbside collection of designated co-mingled recyclable materials from residences and properties receiving municipal waste collection services in the Township of Delaware, for recycling purposes to prohibit the disposal of designated recyclable materials into the conventional municipal waste disposal system to empower the Township to promulgate and adopt reasonable rules and regulations thereof and to fix penalties for violation of this Ordinance.

NOTE: This Ordinance is not to create a monopoly and put smaller haulers out of business.

#### 3. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated:

**Agent:** One who performs an act for his/her immediate family or for another person gratuitously (without any form of monetary or material compensation therefore).

**Aluminum Cans:** Empty, all aluminum beverage and food containers.

**Applicant:** A person desirous of being licensed as a hauler or of being issued a recyclable collection permit, as the case may be.

**Authorized Collector:** A licensed hauler (as defined herein), a recyclable collection permittee (as defined herein), or a person who, being so authorized by the terms of this Ordinance, removes municipal waste or recyclables from his/her own premises, as owner of the building or commercial, municipal or institutional establishment, or community activity conducted therein, or as an agent (as defined herein) of another person.

**Bimetallic Cans:** Empty food or beverage containers consisting of both steel and aluminum.

**Collector:** Any person who collects municipal waste or recyclables.

**Commercial:** Of or pertaining to any wholesale, retail, industrial, manufacturing, transportation, or financial or professional service or office enterprise, business, or establishment.

**Co-mingled Recyclables:** Recyclables mingled or blended together placed in the same container.

**Community Activity:** An activity or event sponsored or organized by a public or private non-profit organization for recreational, educational, cultural, or civic purposes, which may be attended by members of the public, whether or not an entrance or participation fee is charged.

**Composting:** The process of biological decomposition of organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

**Corrugated Paper:** Structural paper material with an inner core shaped in rigid parallel furrows and ridges, of the type normally used to make packaging cartons and boxes.

**Curbside Collection:** A method of collection of residentially generated recyclables by which the owners or occupants of certain residential properties may dispose of their recyclables by placing them at curbside at times designated by the licensed haulers, for collection and removal by an authorized Collector thereof for delivery to a recycling center.

**Disposal:** The incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner such that the municipal waste or a constituent thereof enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania.

**Disposal Area:** Any site, location, area, building, structure, transfer station, or premises to be used for municipal waste disposal.

**Garbage:** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**Glass Containers:** All empty food and beverage jars or bottles, the product being transparent or translucent (either clear, green or brown).

**Institutional:** Of or pertaining to any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, schools, universities, churches, and social or fraternal societies and organizations.

**Landlord:** The owner of residential property, or such owner's authorized agent.

**Leaf Waste:** Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

**Licensed Hauler:** A person licensed by the Township to collect, haul, or transport municipal waste and recyclables for the purpose of disposal.

**Magazines:** Printed matter, also known as "periodicals", containing miscellaneous written pieces published at fixed or varying intervals, printed on glossy or chemically coated paper. Expressly excluded are newspapers and all other paper products of any nature whatsoever.

**Multi-family Dwelling:** A type of residential property either under single ownership or organized as a condominium or cooperative form of housing, which contains four (4) or more dwelling units.

**Municipal:** Of or pertaining to any office or other property under the control of any branch or arm of the Federal government of the United States of America, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth of Pennsylvania, including, but not limited to Delaware Township, and/or any counties, cities, boroughs, townships, and municipal authorities.

**Municipal Waste:** Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semi-solid, or contained gaseous material, resulting from operation of residential,

municipal, commercial, or institutional establishments, or from community activities and which are not classified as residual or hazardous waste. The term does not include co-mingled recyclable materials.

**Municipal Waste Landfill:** Any facility that is designed, operated or maintained for the disposal of municipal waste. The term shall not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatment plants.

**Newspaper:** Paper of the type commonly referred to as "newsprint" and distributed at fixed or stated intervals, usually daily or weekly, having printed thereon news and opinions, and containing advertisements and other matters of public interest. The term "newspaper" expressly excludes glossy advertising inserts, magazines, glossy or other chemically coated paper, office paper, and other paper products of any nature.

**Person:** Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. In any provisions of this Ordinance prescribing a fine, imprisonment, penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

**Plastic Containers:** Empty plastic food, beverage, and product containers, the specific types of which are PET {1} (e.g., soft drink bottles), and HDPE {2} (e.g., milk and water jugs, detergent and shampoo bottles), and other containers as may be designated by Resolution adopted by the Township Supervisors.

**Recyclable Collection Permittee:** A person authorized by the Township, through the issuance of a permit, to collect, transport, and dispose of recyclables exclusively (and not municipal waste) for persons other than him/herself, his/her immediate family, or persons whom he/she is acting as agent (as defined herein).

**Recyclables:** Materials designated as recyclable in this Ordinance, or required by the terms of this Ordinance (or any amendment hereto) to be kept separate from municipal waste and recycled.

**Recycling:** The separation, collection, processing, recovery, and sale or reuse of metals, glass, paper, plastic, and other materials which would otherwise be disposed of as municipal waste.

**Recycling Facility:** A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities. The term does not include:

1. Any composting facility.
2. Methane gas extraction from a municipal waste landfill.
3. Any separation and collection center, drop-off point or collection center for recycling, or any source separation or collection center for composting leaf waste.
4. Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day.

**Residential:** Of or pertaining to any dwelling unit used as a place of human habitation, and which is not a commercial, municipal, institutional, or community activity. Home occupations incidental to the residential use within a building are considered "residential".

**Rubbish:** Shall mean solid waste exclusive of garbage (e.g., non-recyclable glass, metal, paper, or plastic) and non-compostable plant material, wood or non-putrescible solid waste.

**Steel Cans:** Empty food or beverage containers made of steel, tin-coated steel, or other ferrous metal food or beverage containers.

**Storage:** The containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal of such municipal waste. It shall be presumed that the containment of any municipal waste in excess of one (1) year constitutes disposal. This presumption can only be overcome by clear and convincing evidence to the contrary.

**Township:** Delaware Township, Pike County, Pennsylvania.

**Transportation:** The off-site removal of any municipal waste at any time after generation thereon.

**Waste:** A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed of. The term does not include source-separated recyclable materials or material approved by the Commonwealth of Pennsylvania Department of Environmental Resources for beneficial use.

#### 4. DUMPING/LITTER.

A. It shall be unlawful for any person to store, dump, discard, deposit, or to permit the storage, dumping, discarding, or depositing of, any municipal waste or recyclables upon the surface of the ground or underground within the Township, except in proper containers for purposes of storage or collection. Where the waste or recyclables are of such size or shape as not to permit their being placed in an appropriate container, said items shall be separately placed for collection and disposal, and proper arrangements shall be made for the disposal of the same. It shall be unlawful for any person to dump or deposit any municipal waste or recyclables in any stream or body of water, or on any public right-of-way within the Township.

B. Every owner of property or occupant thereof responsible for the day-to-day operation or maintenance of such property shall pick up and discard in any appropriate receptacle any municipal waste, recyclables, or other debris deposited or accumulated on the owner's property. All owners or operators of commercial, industrial, institutional and municipal establishments in the Township shall take all reasonable precautions to prevent the deposit and accumulation of debris on their premises, and in furtherance of that end, may place appropriate waste containers on the sidewalk in front of or adjacent to their premises at a point which will not create a hazard to traffic or pedestrians. Any such receptacles so placed shall be emptied on a regular basis and maintained in a neat and clean appearance.

C. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his/her farming operation, including composting and spreading of manure or other farm-produced agricultural waste, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

D. Bulk containers shall not be permitted to overflow or to have waste strewn or left about them on the ground. A violation of this provision shall be deemed a violation of this Ordinance by the person on whose property the bulk container is located, if it is located on private property.

### **PART II - RECYCLING**

#### 5. SEPARATION OF RECYCLABLES.

A. Recyclables shall be kept separate from and disposed of separately from municipal waste, to the extent required by the following provisions:

1. Owners and occupants of all residential properties shall co-mingle the following recyclables: clear glass containers, brown glass containers, green glass containers, aluminum cans, bimetal

cans, and plastic containers. Newspapers shall be tied with twine or string or bagged in a paper bag placed with other recyclables.

2. Owners and occupants of all commercial, municipal and institutional establishments and properties and sponsors or organizers of community activities shall co-mingle the following recyclables: clear glass containers, brown glass containers, green glass containers, and aluminum cans.

3. All recycled glass containers shall be kept intact, and shall not be broken.

4. From time to time the Township Supervisors may by Resolution enumerate alternative recyclables which will be required to be separated from municipal waste and collected in accordance with this Ordinance.

**6. DISPOSAL OR PLACEMENT FOR REMOVAL OF RESIDENTIAL RECYCLABLES (OTHER THAN MULTI-FAMILY DWELLINGS).**

A. For residential properties other than multi-family dwellings, all recyclables which are required to be kept separate from municipal waste in residential properties, shall be placed at curbside or at an appropriate location on the premises to be collected at times designated by the licensed hauler or recyclable collection permittee. The frequency of such collection shall be not less than once per month.

B. The recyclables are to be collected by a licensed hauler once it is placed at curbside.

**7. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FOR MULTI-FAMILY DWELLINGS AND COMMUNITY ASSOCIATIONS THAT PROVIDE CENTRAL AREA PICK-UP.**

A. For multi-family dwellings and Community Associations with central area pick-up, all recyclables which are required to be kept separate from municipal waste in residential properties, shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a recyclable collection permittee, than all recyclables generated at the property shall be made available to such recyclable collection permittee for collection except as provided in Section 24, below.

B. The landlord of every multi-family dwelling and Community Association with central area pick-up shall require, by a clause in the lease or other enforceable rule or regulation, that the tenants in such property or Association members comply with the requirements of this Ordinance governing separation and disposal or placement for removal of recyclables in multi-family dwellings and central area pick-up of Community Associations. Every such landlord shall set up a convenient and practical collection system in such properties for the collection, storage and regular disposal or placement for removal of recyclables generated by the residents of such dwellings.

C. The collection system must include suitable containers for collection and sorting materials, easily accessible locations for the containers, and written instructions to the occupants and members concerning the use and availability of the collection system.

D. Landlords and Associations who comply with the aforementioned requirements relative to multi-family dwellings and central area pick-up Community Associations shall not be liable for the non-compliance of occupants of their buildings.

**8. DISPOSAL OR PLACEMENT FOR REMOVAL OF RECYCLABLES FOR COMMERCIAL, MUNICIPAL, INSTITUTIONAL, AND COMMUNITY ACTIVITIES.**

All recyclables which are required to be kept separate from municipal waste, in commercial, municipal, and institutional establishments and properties, and community activities shall either be delivered directly to a recycling center, or shall be picked up by a recyclable collection permittee or a licensed hauler separately from municipal waste, in a prearranged manner. If any recyclables are picked up by a recyclable collection permittee, then all recyclables generated at the property shall be made available to such recyclable collection permittee for collection except as provided in Section 24. Commercial, municipal, and institutional establishments and community activities shall not place recyclables within the public right-of-way for curbside collection, such curbside collection being intended solely for the placement of recyclables generated in residential properties other than multi-family dwellings.

**9. RECYCLING REPORTS FOR COMMUNITY COLLECTION POINTS AND ANY FACILITY THAT HAS DUMPSTERS.**

A. The landlord of every multi-family dwelling and central area pick-up Community Association shall complete a form, to be designated "Recycling Report - Multi-Family Dwelling", to be provided by the Township which shall indicate where the property's recyclables are delivered and by whom they are picked up.

B. The "Recycling Report" and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and Recycling Reports quarterly to the Township, the Collector who removed the recyclables from the dwelling shall be the agent for the landlord or Association and shall be responsible for completing and submitting such to the Township. Each such quarterly report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis thus: January through March April through June July through September and October through December.

**10. RECYCLING REPORTS.**

The authorized collector shall submit the Recycling Report and all weigh slips obtained from the facility or facilities to which the recyclables were delivered or taken, which shall be submitted quarterly to the Township. For purposes of submitting such weigh slips and Recycling Reports quarterly to the Township, the authorized collector who removed the recyclables from the property shall be the agent for the operator of the establishment or sponsor of the activity and shall be responsible for completing and submitting such to the Township. Each such quarterly Recycling Report shall be submitted on or before the last day of the first month of each quarter, for the preceding quarter. Quarters shall run on a calendar year basis, thus: January through March April through June July through September and October through December.

**11. COLLECTION BY UNAUTHORIZED PERSON.**

From time of placement for collection of residentially generated recyclable items for collection in accordance with the terms of this Ordinance, the items be and become the property of the authorized collector. It shall be a violation of this Ordinance for any person unauthorized by the Township to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one (1) or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

**12. PRESUMPTION OF OWNERSHIP OF MUNICIPAL WASTE AND RECYCLABLES.**

The presence of any articles containing a person's name among municipal waste and recyclables shall create a rebuttable presumption, for purposes of this Ordinance, that said municipal waste or recyclables are the property of the person whose name is found therein.

**PART III - MUNICIPAL WASTE**

**13. PREPARATION AND STORAGE OF MUNICIPAL WASTE.**

A. Any person accumulating or storing municipal waste on private or public property in the Township for any purpose whatsoever shall place the same, or cause the same to be placed, in sanitary closed or covered containers in accordance with the following standards:

1. Containers used for the storage of municipal waste shall be metal, plastic or fiberglass construction rust and corrosion resistant and equipped with lids and waterproof or be an approved recycling container containers shall not exceed thirty (30) gallons.

2. No person, except the occupants of the property on which a waste container is placed, a licensed hauler, and/or the Township Zoning Officer shall remove the lids of the container and/or remove the contents thereof.

#### **14. REQUIRED COLLECTION AND HOURS OF COLLECTION.**

A. If a person or establishment (being so authorized by the terms hereof) collects and removes their own municipal waste, they shall do so at a minimum of every fourteen (14) days or at shorter intervals, in order to prevent odors, vectors or accumulations of refuse or garbage that are unsafe, unsightly, or potentially harmful to the public health. Any municipal waste so removed shall be disposed of in accordance with the requirements of this Ordinance.

B. No person other than a licensed hauler shall collect or remove municipal waste from any other person's property. All agreements for collection, transportation and disposition of municipal waste shall be by private contract between the owner or occupant of the property where the waste is generated and the licensed hauler who is to collect such waste.

C. Nothing herein shall limit the right of the Township to implement public collection of solid waste either by entering into contracts or by engaging in any collection practice permitted by law.

D. Nothing in this Section shall modify the requirements in this Ordinance pertaining to separation and disposal of recyclables. Nothing in this Section shall impair the ability of the Township to provide a system of the Township residents to utilize such system of public collection of leaf waste, anything herein contained to the contrary notwithstanding.

#### **15. TRANSPORTATION OF MUNICIPAL WASTE.**

A. Any person transporting municipal waste within the Township shall prevent or remedy any spillage or leakage from vehicles or containers used in the transport of such municipal waste.

B. Vehicles used for hauling refuse shall be watertight, with enclosed cargo space that totally prevents the scattering of contents, the attraction of vectors or the creation of other nuisances. Vehicles must be kept clean and sanitary, and maintained in such condition that collection schedules are met. Vehicles shall meet all of the requirements of the Township and of the Pennsylvania Department of Environmental Resources, which regulations are specifically incorporated herein by reference thereto, and may be inspected at any time by the Supervisors or their appointees. Any deficiency must be corrected immediately by the hauler.

C. The transfer of waste from one (1) collection vehicle to another may not take place in the Township, except on private property in those areas of the Township designated for such by the Township, if any. No such transfer may take place on any public right-of-way, and no such transfer operation may block traffic, create litter, or in any other manner constitute a nuisance, create a health hazard, or violate any other Ordinance of the Township or provision of statutory law.

1. The exception to this Section would be only in the case of a vehicular emergency and shall then allow the situation to be rectified in twelve (12) hours time only.

16. PUBLIC LITTER BASKETS.

The Township is hereby authorized to collect municipal waste from Township property, dispose of such waste in either a receptacle of a licensed hauler or at designated disposal sites.

PART IV - COLLECTOR'S DUTIES

17. AUTHORIZATION OF COLLECTORS.

A. It shall be unlawful for any person, except for litter control, roadside clean up, and other persons duly authorized by the Township, to collect and to transport municipal wastes of any nature of recyclables within or from the Township. Authorization to collect, transport, and dispose of municipal waste or recyclables from persons other than one's self or from whom one is acting as an agent (as defined in this Ordinance) may be given only by the Township through the issuance of a "Hauler's License" or a "Recyclable Collection Permit".

B. All licensed haulers and recyclable collection permittees shall follow and conduct themselves in accordance with their current license or permit, and serve each of their customers in accordance with the requirements of this Ordinance, any failure of which shall be a violation of this Ordinance.

C. All applications for such licenses or permits shall be evaluated and approved in accordance with the following criteria:

1. Hauler's License to conform with existing license:

a. Hauler's License will be issued on a calendar year basis.

b. Hauler's License will be issued to only those persons who comply with the provisions and intent of this Ordinance, show evidence of a valid Pike County license, and provide their name, address, and telephone number along with a certificate or certificates of public liability insurance in an amount of not less than three hundred thousand dollars (\$300,000.00) per individual and five hundred thousand dollars (\$500,000.00) per occurrence for personal injury and one hundred thousand dollars (\$100,000.00) for property damage.

c. The Township may deny a Hauler's License for any of the following reasons:

(1) If the applicant's Hauler's License has previously been revoked or suspended for legal cause.

(2) If the applicant has violated, or is violating the Township Ordinance, County Waste Management Ordinance, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, as all may be amended, or any regulations of the Department of Environmental Resources relating to the environment and to solid waste, or has been convicted of any such violation.

(3) Where, in the Township or elsewhere, the applicant has failed to fulfill his/her duties as a municipal waste collector in general, or in particular has failed to pick up municipal waste and recyclables in a workmanlike manner or a regularly scheduled basis.

D. Hauler's Licenses may be revoked at any time by the Township in accordance with the following:

(1) Failure of the licensee to furnish and provide collection and disposal of municipal waste and recyclables in accordance with the terms of this Ordinance and the conditions under which the license was issued.

(2) Administrative Proceedings.

(a) In case of violation or failure to comply with the provisions of this Section, the Township Supervisors shall give the licensee an opportunity for a hearing thereon. Any licensee so entitled to a hearing pursuant to this Section shall have ten (10) days after notice to submit a written request for a hearing failure of the licensee to so request a hearing shall be deemed to constitute an admission of the violation with which he/she is charged and which forms the basis of the revocation of his/her license. A hearing shall be scheduled before the Township Supervisors and licensee given ten (10) days written notice of the time and place of the hearing at which he/she shall appear and answer the charges.

(b) Upon determination that a violation did occur, the Township Supervisors may issue a warning or may revoke the license.

(3) The issuance of a Hauler's License under this Section does not grant a vested right to any Collector to a continued right to haul or collect municipal waste and recyclables in the Township, and the Township reserves the right to contract for municipal waste and recycling services or to initiate the public collection of municipal waste and/or recyclables.

E. Conditions relating to Hauler's Licenses:

(1) An annual fee shall be paid for a Hauler's License in accordance with a schedule of charges established by Resolution of the Township Supervisors. The license fee shall not be pro-ratable. The fee shall be submitted with each application for a license. Payment shall be made by check only, payable to the Township, submitted together with certification that the required public liability insurance is currently in effect for the year for which the license is to be renewed.

(a) Licensees shall provide the Township with a collection schedule, telephone number and business hours along with the number of customers serviced.

(2) Licensees shall have placed on the doors or each side of the body of each vehicle the name of the hauler, the telephone number of the hauler's office or headquarters, and the type of waste being transported therein (or, if recyclables are being transported therein, then such to be indicated). The size of such lettering shall be no less than six inches (6") in height and clearly legible. Vehicles shall be so marked within ten (10) days after the commencement of their use in the Township.

(3) Licensees shall be responsible for the manner in which their employees perform work pertaining to collection, hauling, and disposal of municipal waste and recyclables under the terms of this Ordinance.

(4) The licensee shall pay all costs charged for the use of any disposal facilities which he/she utilizes.

(5) Licensees shall empty bulk containers (such as dumpsters) which have been provided by them to their customers, when such bulk containers become full.

F. Recyclable Collection Permit:

a. A person who is not a "Licensed Hauler", as defined in this Ordinance, shall not collect, transport, or dispose of recyclables for any persons other than him/herself or for whom he/she is acting as agent (as defined in this Ordinance) unless he/she has applied for and obtained a valid Recyclable Collection Permit authorizing such activity. Applications for such permit shall be made by submission to

the Township of a form to be prescribed therefore completed by the applicant, accompanied by a fee for such permit to be set by Resolution of the Township Supervisors.

b. As a condition of issuance of a Recyclable Collection Permit, all recyclable collection permittees shall be required to take all of the recyclable material which they collect from their customers to a recycling facility.

**18. LICENSED HAULERS TO PROVIDE RECYCLABLE REMOVAL SERVICE FOR RESIDENTIAL, MULTI-FAMILY HOUSING, COMMERCIAL, MUNICIPAL, AND INSTITUTIONAL ESTABLISHMENTS AND PROPERTIES.**

Every hauler, as a precondition to being licensed to do business within the Township, shall be required to provide to its residential, multi-family, commercial, municipal and institutional establishments and properties the service of removing recyclables from their properties at the curbside or an appropriate location on the premises. Any such recyclables so removed by licensed haulers shall be kept separate from municipal waste, and shall be taken to a recycling facility for the purpose of recycling.

**19. DESIGNATION OF RECYCLING FACILITY.**

The Township reserves the right by Resolution to direct recyclables to a designated recycling facility.

**20. MISSED PICK-UP.**

In the event of any missed pick-up, the Collector shall collect from the missed location within twenty four (24) hours of notification from the missed resident provided the resident has abided by the terms of their contract with the hauler.

**21. COMPLAINTS.**

All complaints regarding collection of recyclables or municipal waste shall initially be reported to the Collector. Any complaint which the Collector fails to resolve shall be reported, in writing, to the Township.

**22. COMMUNITY ORIENTATED CHARITABLE ACTIVITES.**

Nothing contained herein shall impair or prohibit any recognized civic, fraternal, charitable or benevolent organization, association, or society from undertaking the collection of recyclables from the public. Any such collection activity can only occur prior to the recyclable materials being placed at curbside or similar location for collection by an authorized Collector. Prior to initiating such activity, the organization shall obtain authorization from the Township.

**PART V - MISCELLANEOUS PROVISIONS**

**23. VIOLATION AND PENALTY.**

Any person who violates any provision of this Ordinance, or who resists or interferes with any officers, agents, or employees of the Township who shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purposes of this Section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

**24. SEVERABILITY.**

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but shall continue in full force and effect though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

**25. CONSTRUCTION.**

The various headings used through this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context clearly indicates otherwise, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and neuter.

**26. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after the 2nd day of November, 1993.

ORDAINED AND ENACTED as an Ordinance of the Township of Delaware, Pike County, Pennsylvania, this 27th day of October, 1993. An Enactment of this Ordinance shall supersede the previous 203, 204, and 205.

**27. ORDINANCE REPEAL**

This section shall provide that Ordinance No. 205 (Providing For Municipal Waste Reduction By the Establishment of a Recycling Program) is hereby repealed in its entirety.

